

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GJERMELLA WILLIAMS,
GJERMAINE WILLIAMS, GJERVONTA
WILLIAMS, and GJERVONNA WILLIAMS,
Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GERMAINE WILLIAMS,

Respondent-Appellant.

In the Matter of TIEONNA WHITE,
GJERDONTA WILLIAMS, and GJERVON
WILLIAMS, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GERMAINE WILLIAMS,

Respondent-Appellant,

and

LOUIS WHITE,

Respondent.

UNPUBLISHED
February 15, 2007

No. 270156
Wayne Circuit Court
Family Division
LC No. 04-435348-NA

No. 270206
Wayne Circuit Court
Family Division
LC No. 04-435558-NA

Before: Cavanagh, P.J., and Murphy and Meter, JJ.

PER CURIAM.

In these consolidated appeals, respondent father appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(i), (g), (j), and (k)(ii). The parental rights of the children's mothers were not terminated. We affirm.

At the time the petition for permanent custody was filed, respondent father lived in a home with his six children and their two mothers, as well as his stepdaughter Tieonna. The petition alleged that Gjermella, then aged 11, had reported that she had a two-year ongoing sexual relationship with respondent father and that he was physically abusive to her as well. Tieonna had also reported that respondent father had fondled her and was physically abusive. Respondent father, who had a violent criminal history including domestic violence and felony weapons convictions, had been arrested and charged with three counts of first-degree criminal sexual conduct and one count of second-degree criminal sexual conduct. The trial court found that Gjermella's testimony was credible and was corroborated by the testimony of Tieonna and the other children.

On appeal, respondent father first argues that the trial court clearly erred by terminating his parental rights where Gjermella's testimony was not credible. We disagree. The trial court did not clearly err in finding that section (b)(i) and (k)(ii) were established by clear and convincing evidence. See *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000). Gjermella testified that respondent father sexually abused her, including penetration. This Court shall give regard to the trial court's special opportunity to judge the credibility of witnesses who appeared before it. MCR 2.613(C). The trial court specifically found that Gjermella's testimony was credible. Further, her testimony was supported by medical evidence and the testimony of her mother, her sister, and her teacher. Where respondent father was the perpetrator, the trial court did not clearly err in finding that there was a reasonable likelihood that the sexual abuse would occur again if the children were returned to respondent father's home. Because all of the children were siblings of Gjermella, the trial court properly found that these sections were established as to all of the children.

The trial court also did not clearly err in finding that petitioner established sections (g) and (j). Respondent father did not provide proper care and custody for his children where he sexually abused Gjermella and physically abused the other children and their mothers. There was no reasonable likelihood that he would be able to provide proper care and custody in the foreseeable future where respondent father appeared to have anger problems throughout the trial and was not able to seek counseling or assistance to overcome these issues. Therefore, the trial court did not clearly err in finding that sections (g) and (j) were established by clear and convincing evidence. See *In re Trejo*, *supra*.

Respondent father does not argue on appeal that the trial court clearly erred in its best interests determination. Our review of the record supports the trial court's determination and we find no clear error. See *id.* at 344.

Respondent father argues that the trial court violated his due process rights by refusing to allow his attorney to withdraw midway through trial. A trial court's decision regarding substitution of appointed counsel is reviewed under an abuse of discretion standard. *People v Traylor*, 245 Mich App 460, 462; 628 NW2d 120 (2001). Here, we find no abuse of discretion.

This Court has addressed this issue previously, stating:

An indigent defendant is guaranteed the right to counsel; however, he is not entitled to have the attorney of his choice appointed simply by requesting that the attorney originally appointed be replaced. Appointment of a substitute counsel is warranted only upon a showing of good cause and where substitution will not unreasonably disrupt the judicial process. Good cause exists where a legitimate difference of opinion develops between a defendant and his appointed counsel with regard to a fundamental trial tactic. [*People v Mack*, 190 Mich App 7, 14; 475 NW2d 830 (1991) (citations omitted).]

Good cause did not exist for respondent father's attorney's request to withdraw. In support of her motion to withdraw, counsel stated that respondent father was not happy with the facts of the case and the way the case was proceeding. There was no discussion of any disagreement regarding trial tactics. Further, allowing respondent father's attorney to withdraw would have unreasonably disrupted the judicial process. Many hearings had been held in this matter and many witnesses had testified, including minors who testified regarding respondent father's sexual abuse of them. To start anew would be an unreasonable disruption of the judicial process.

Affirmed.

/s/ Mark J. Cavanagh
/s/ William B. Murphy
/s/ Patrick M. Meter